

## NEWS FROM THE COURTS

## REQUESTS MADE BY MRS. GOTTON

**Kahn in Her Will.**

**Saloon Keeper Rappaport Says He Has Been Damaged—Other Cases in the Courts.**

The will of Mrs. Gottton Kahn, probated yesterday, leaves to her son, the Indianapolis Hebrew congregation in memory of her daughter, Rosa Kahn Weiler; \$100 to the Jewish Orphan Asylum in Cleveland; \$100 to the Keshet Home for Aged and Infirm in Cleveland; \$100 to the Hebrew Union College in Cincinnati; \$500 to her son Leo R. Kahn, by the request of her son, David Kahn, and the remainder of the estate to be divided equally between her children, Flora Kirschbaum, David Kahn, Leo R. Kahn, Blanche Kahn Weiler and Edith Kahn. The executor of the estate was appointed Edgar R. Vincent and gave a bond of \$1,000.

## His Bicycle Was Damaged.

Gustav H. Westing yesterday filed suit against the International Motor Car Company, Conrad Mueller & Co. and Sidney Elston for \$500 damages growing out of the accident at the close of the bicycle and automobile show in the Cynamar building last winter. Elston was the man who drove his automobile up the incline and attempted to turn it around. He ran the machine off the incline and it fell into Westing's bicycle exhibit. Elston and passenger were both injured and the automobile was wrecked. Westing avers that the accident was the result of carelessness and that his bicycle was damaged to the amount of \$500.

## Lela Murphy Has Reasons.

Lela Murphy yesterday filed suit against her husband, B. Frank Murphy, for divorce. She says they were married July 18, 1890, and lived together until 1901, when he deserted her. She avers that during their married life he did not contribute to her support and maintenance, that he had no money for her and was not working so long as it lasted. She avers that he spent all of her cash money and income from her property and threatened her with bodily injury unless she did not convert some of her real estate into cash. She avers that he was abusive and that about six months ago she had to undergo a surgical operation as the result of his conduct.

## Telephone Company Gets an Order.

Judge Leathers yesterday issued a restraining order on the petition of the New Augusta Telephone Company to prevent Thomas C. and Lucinda Bush Walton from interfering with the company's settling pole and straining its wires, and also to prevent them from cutting down poles already placed and cutting down the wires. The defendants threaten the property of the company and they are temporarily restrained from doing so. Final hearing was set for May 5.

## Sues for \$25,000 Damages.

Delmar Sebastian yesterday filed suit against the street car company for \$25,000 damages. He avers that while he was riding on South Illinois street a car struck his wheel and he was thrown under the car. He says an effort was made to pull him out, but failed, and the motor man then entered the car and started it so that the wheels struck his head and back. He avers that his brain and spinal cord were injured and that paralysis of the left side and a failure to articulate were the result.

## Julius L. Rappaport Sues.

Julius L. Rappaport, keeper of a saloon on West Washington street, yesterday filed suit against Solomon Binzer, who has a dry goods store next door, for \$10,000 damages. Binzer's store was recently robbed of goods valued at about \$200. Rappaport avers that Binzer caused the publication of charges that the thieves came from his saloon and that he had frequently tried to have the police drive disreputable characters away. By reason of these charges Rappaport avers that his saloon has been damaged and he has lost the esteem of friends.

## James Burns's Estate.

Mary Benner yesterday filed a petition in the Circuit Court for the appointment of an administrator to take charge of the estate of James Burns. She says he left this city June 7, 1894, and has not since been heard from.

## THE COURT RECORD.

**SUPERIOR COURT.**  
Room 1—John L. McMaster, Judge.  
Marion Pollard vs. W. H. Messenger; appeal.

Room 3—Vinson Carter, Judge.  
William G. Probst et al. vs. Patrick Stundent; to revive judgment. Finding and judgment against defendant for \$17.19 and costs.

Benjamin T. Carey, administrator of estate of Elizabeth Carey, vs. the Board of Public Works; to set aside a judgment. Finding and judgment against defendant for \$17.19 and costs.

**CIRCUIT COURT.**  
Heavy Clay Allen, Judge.  
Arthur W. Kelly vs. John C. Appellant; to set aside a judgment. Finding and judgment against defendant for \$17.19 and costs.

Mary E. Brooks vs. Zerelda Menefee's estate; claim. Submitted to jury. Evidence heard.

**NEW SUITS FILED.**  
James L. Rappaport vs. Solomon Binzer; damages. Demand, \$10,000. Circuit Court.  
Susan F. Wall vs. Frederick W. Wall; divorce. Circuit Court.

Cynthia L. Smith vs. John A. Smith; divorce. Circuit Court.  
George W. Shelby vs. Sarah Brown et al.; quiet title. Circuit Court.

Mary B. Benner vs. James Burns; petition for the appointment of an administrator. Circuit Court.

Gustav H. Westing vs. International Motor Car Company et al.; damages. Demand, \$500. Circuit Court.

Harriet E. Sargent vs. Louis H. Miller; mortgage foreclosure. Superior Court. Room 2.

Lela Murphy vs. B. Frank Murphy; divorce. Superior Court. Room 1.

Delmar Sebastian vs. International Motor Car Company; damages. Demand, \$25,000. Superior Court. Room 1.

**SUPREME COURT.**  
—Minutes—  
1925. State of Indiana vs. Charles B. Rockwood, Marion C. C. Appellant's brief.

1926. Hoses H. Rutledge vs. Dora Clements et al. Montgomery's brief.

1927. Clark, Parke C. C. Appellant's brief for further time. Appellee's petition for further time. Appellee's petition for further time granted.

**APPELLATE COURT.**  
—Minutes—  
424. Amos Jones et al. vs. William C. Wright. Madison C. C. Agreement to dismiss.

425. John D. Wampler vs. Ellis House. Jones C. C. Appellant's brief.

426. Addison B. Mickey et al. vs. Anthony Zonker. Steuben C. C. Appellee's brief.

427. Oliver H. Bogue et al. vs. John W. Murphy et al. Pulaski C. C. Appellee's brief on petition.

428. Chicago & Southeastern Railway Company vs. Augustus C. Wood, administrator. Tipton C. C. Appellant's brief.

locked it up in an iron safe which he found in the principal's office when he took charge thereof as agent. After this depositing it in the safe he fastened the door and windows of the office and left for the night. Held that, in the absence of any special agreement to act as an insurer of money collected by him, the agent was not guilty of such negligence as to make him responsible for the loss of the money that night by burglary. [31 Southern Rep. (Alabama), No. 12.]

## Corporations—Mismanagement by Directors.

Courts are very reluctant to interfere with the control of the affairs of a private corporation at the instance of a stockholder, or of a minority of the stockholders, but it is their duty and their right to do so in a proper case, and a proper case is shown where there is gross mismanagement of the business of the corporation, such as would, under the laws of the particular State in which the corporation is doing business, furnish grounds for the appointment of a receiver, or such as amount to a clear breach of duty on the part of the managing officials of the corporation under their trust. [31 Southern Rep. (Louisiana), No. 12.]

## Betting on Horse Races—Turf Exchange.

The Constitution of Louisiana contains the following article: "Gambling is a vice, and the Legislature shall pass laws to suppress it." The Supreme Court of that State holds, in a recent case, that betting on horse races in view of the bettors, without means, is not unlawful, but the contrary, has the law's special sanction, since laws passed against gambling do not include betting on horse races in any form. The question whether the betting on races at a distance, on view, through means of the turf exchange, should be suppressed as being gambling, is one left to the Legislature by the clear terms of the Constitution. [21 Southern Rep. (Louisiana), No. 12.]

## Juries—Disqualification—Dying Declaration.

1. A juror who was fully acquainted with the facts and circumstances of a homicide and who has a decided and abiding opinion as to the guilt of the defendant, is disqualified from serving on a jury to try the case. He is without prejudice, and can give an impartial verdict, based on the evidence in the case. [21 Southern Rep. (Louisiana), No. 12.]

## Police Officers—Promotion—Constitutionality.

Promotion of a police officer for acts of personal heroism is held by the Supreme Court of New York not to be prohibited by the constitution, which provides that no law shall be made, when practical, upon competitive examination. [54 Lawyers Reports Annotated, 383.]

## INDIANA CELEBRATED AGAIN.

**Historic Indian Mound Figures in a New Novel.**

To the Editor of the Indianapolis Journal:

The "Red Rangers," or Laura Lamar of the "Suehanna," by Dr. Charles Asbury Robinson, of Greenfield, formerly of this place, has aroused a great deal of interest here—first, because all are so well acquainted with the author, and second, owing to the fact that a part of the scene is laid only two miles from here, at Hogback hill, as it is styled by the author.

Hogback hill stands on the west bank of the "Bonny Big Blue." It is of a very peculiar formation and appearance. The base is composed of a mass of conglomerate and the top of the mound is somewhat the shape of the back of an old razor-back hog; hence its name, Hogback. It is unlike any other place in the country, and plainly shows that it is of human, and not natural, formation. Its elevation is about thirty feet.

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